

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**Case No. 0:22-cv-61621-ALTMAN/HUNT**

VITAL PHARMACEUTICALS, INC., d/b/a  
VPX and as BANG ENERGY, a Florida  
corporation,

Plaintiff,

v.

MONSTER BEVERAGE CORPORATION  
and MONSTER ENERGY COMPANY,

Defendants.

**PARTIES' JOINT MOTION FOR A STAY**

Plaintiff VITAL PHARMACEUTICALS, INC. d/b/a VPX and as BANG ENERGY (“VPX”), together with Defendants MONSTER BEVERAGE CORPORATION and MONSTER ENERGY COMPANY (“Monster”), jointly move for a stay of this case. The grounds for this motion are set forth in the following memorandum:

**Memorandum**

1. On October 10, 2022, VPX filed a voluntary Chapter 11 petition in the United States Bankruptcy Court for the Southern District of Florida, Fort Lauderdale Division, under Case No. 22-17842-PDR (the “Bankruptcy Proceeding”). The Bankruptcy Proceeding is still in progress and has not been dismissed.

2. As an incident of the Bankruptcy Proceeding, VPX and Monster have been meaningfully exploring possible resolution of this case as well as another case between VPX and Monster pending before Chief Judge Altonaga, entitled *Vital Pharms., Inc. v. Monster Energy Co., et al.*, No. 0:19-cv-61974-CMA (Aug. 7, 2019) (hereinafter, the “2019 Case”) – which has, as a

result of VPX and Monster's agreement to stay been recently administratively closed. *See ECF No. 213.*

3. Given this recent development, and to ensure that this proceeding does not interfere with such efforts and that the parties and Court conserve judicial and party resources during such time, VPX and Monster respectfully submit that a stay is appropriate.

4. The parties agree that all current deadlines should be stayed until the Court, upon motion of any party, determines that it is appropriate to lift the stay. Among other things, the parties have agreed that no party will seek fees, costs, or sanctions in connection with this action prior to the date that is two (2) business days following the lifting of such stay.

5. This is the parties' first joint motion for a stay. This request for a stay is sought in good faith and for judicial economy and not for purposes of delay.

**WHEREFORE**, the parties respectfully request a stay of all deadlines and proceedings in this case. A proposed order granting this motion is attached herewith in accordance with Local Rule 7.1(a)(2).

**Certificate of Good Faith Conference  
Pursuant to Local Rule 7.1(a)(3)**

Counsel for both parties certify that they have conferred with regard to the relief sought in this motion.

Dated: May 5, 2023

Respectfully submitted,

By: s/ Brian J. Stack  
Brian J. Stack, Esq.  
Florida Bar No.: 0476234  
Email: bstack@stackfernandez.com  
**STACK FERNANDEZ & HARRIS, P.A.**  
1001 Brickell Bay Drive, Suite 2650  
Miami, Florida 33131  
Tel: 305.371.0001

John C. Hueston, Esq. (*admitted pro hac vice*)  
Email: [jhueston@hueston.com](mailto:jhueston@hueston.com)  
Moez M. Kaba, Esq. (*admitted pro hac vice*)  
Email: [mkaba@hueston.com](mailto:mkaba@hueston.com)  
Allison L. Libeu, Esq. (*admitted pro hac vice*)  
Email: [alibeu@hueston.com](mailto:alibeu@hueston.com)  
**HUESTON HENNIGAN, LLP**  
523 West 6th St., Suite 400  
Los Angeles, California 90014  
Telephone: 213.788.4340

*Attorneys for Defendants, Monster Beverage Corporation and Monster Energy Company*

**SANCHEZ FISCHER LEVINE, LLP**  
1200 Brickell Avenue, Ste. 750  
Miami, Florida 33131  
Tel.: (305) 925-9947

By: s/ David M. Levine  
David M. Levine, Esq.  
Florida Bar No.: 84431  
Email: [dlevine@sfl-law.com](mailto:dlevine@sfl-law.com)  
Secondary email: [eservice@sfl-law.com](mailto:eservice@sfl-law.com)  
Veronica M. Rabinowitz, Esq.  
Florida Bar No.: 99618  
Email: [vrabinowitz@sfl-law.com](mailto:vrabinowitz@sfl-law.com)

*Counsel for Plaintiff Vital Pharmaceuticals, Inc., d/b/a VPX and as Bang Energy*

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**ORDER GRANTING PARTIES' JOINT MOTION FOR A STAY**

THIS CAUSE came before the Court pursuant to the Parties' Joint Motion For a Stay. The Court having reviewed the motion and the file, and being fully advised in the premises, it is:

ORDERED and ADJUDGED that this case, including all deadlines, is hereby stayed.

This stay will be in effect until the Court, upon motion of any party, determines that it is appropriate to lift the stay.

DONE and ORDERED in Chambers at Ft. Lauderdale, Florida this \_\_\_\_ day of May 2023.

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Roy K. Altman  
United States District Judge

cc: Counsel of record